

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY STIVERS, individually and on	)	
behalf of all other similarly situated,	)	<b>ELECTRONICALLY FILED</b>
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 12-01534
	)	
OFFICE DEPOT, INC.,	)	Magistrate Judge Cynthia Reed Eddy
	)	
Defendant.	)	

**PLAINTIFF’S UNOPPOSED MOTION  
FOR FINAL APPROVAL OF THE SETTLEMENT AGREEMENT**

Plaintiff Timothy Stivers (“Plaintiff”) moves this Court for an Order:

1. Granting final approval of the parties’ Settlement Agreement submitted to the Court at Dkt. No. 20-1.
2. Solely for purposes of settling this lawsuit, finally certifying the following Class: all individuals who are current or former employees of Defendant Office Depot, Inc. who worked as Assistant Store Managers in the Commonwealth of Pennsylvania any time between October 23, 2008 and January 1, 2011;
3. Appointing Timothy Stivers as the Class Representative;
4. Appointing Berger & Montague, P.C., Klafter Olsen & Lesser LLP and Whitfield Bryson & Mason, LLP as Class Counsel, and approving Class Counsel’s fees and costs, as set forth in Plaintiff’s Unopposed Motion for Approval of Attorneys’ Fees and Costs; and
5. Dismissing this class action complaint with prejudice.

This Motion is based on the accompanying Memorandum of Law, the Declaration of Shanon J. Carson in Support of Final Approval of the Settlement Agreement, and all other records, pleadings and papers on file in this action.

A proposed Order is submitted for the Court's consideration.

Dated: August 29, 2013

Respectfully submitted,

s/ Sarah R. Schalman-Bergen  
Shanon J. Carson (PA 85957)  
Sarah R. Schalman-Bergen (PA 206211)  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Telephone: (215) 875-4656  
Facsimile: (215) 875-4604  
scarson@bm.net  
[sschalman-bergen@bm.net](mailto:sschalman-bergen@bm.net)

Seth R. Lesser  
Fran L. Rudich  
Michael J. Palitz  
KLAFTER OLSEN & LESSER LLP  
Two International Drive, Suite 350  
Rye Brook, NY 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220  
seth@klafterolsen.com  
fran@klafterolsen.com  
mpalitz@klafterolsen.com

Gary Mason  
Nicholas Migliaccio  
Jason Rathod  
WHITFIELD BRYSON & MASON LLP  
1625 Massachusetts Ave. NW, Suite 605  
Washington, DC 20036  
Telephone: (202) 429-2290  
Facsimile: (202) 429-2294  
gmason@wbmlp.com  
nmigliaccio@wbmlp.com  
[jrathod@wbmlp.com](mailto:jrathod@wbmlp.com)

*Attorneys for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon counsel for Defendant through the Court's ECF system this 29th day of August 2013, addressed as follows:

Christopher K. Ramsey (ID No. 63293)  
MORGAN, LEWIS & BOCKIUS  
32nd Floor, One Oxford Centre  
Pittsburgh, PA 15219  
(412) 560-3300  
(412) 560-7001 (Facsimile)  
[cramsey@morganlewis.com](mailto:cramsey@morganlewis.com)

s/ Sarah R. Schalman-Bergen  
Sarah R. Schalman-Bergen